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FISCHER, ANDREW J				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/033,716

Applicant(s)

FONTAINE ET AL.

Examiner

Bradley B. Bayat

Art Unit

3621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 6-8, 11-13, 15, 16, 18-34, 48, 49, 52-55, 58-60 and 62-84 is/are pending in the application.
- 4a) Of the above claim(s) 77-84 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6-8, 11-13, 15, 16, 18-34, 48, 49, 52-55, 58-60 and 62-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-646)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No.(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No.(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

This communication is in response to remarks and amendments filed on 12/6/2007. Claims 1, 7, 11-13, 15, 16, 18, 21, 24, 26, 29-32, 48, 54, 55, 57, 60-62 and 68-71 have been amended. Claims 4, 5, 10, 14, 17, 35-41, 43-47, 51, 56, 57 and 61 have been canceled. Claims 1, 2, 6-8, 11-13, 15, 16, 18-34, 48, 49, 52-55, 58-60 and 62-84 remain pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6-8, 11-13, 15, 16, 18-34, 48, 49, 52-55, 58-60 and 62-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goertzel et al. (hereinafter Goertzel, US 6,308,273 B1) in view of Shaffer et al. (hereinafter Shaffer), US 7,167,553 B2 and Davis et al. (hereinafter Davis), US 6,282,522 B1.

1. Goertzel discloses a system for enabling remote access to an application server, upon authentication of a location from which a user has sought access as an authorized location, for enabling processing of a transaction requiring user location authentication, wherein the user location includes means for enabling the user to request remote access to the application server, the system comprising (column 1, line 55-column 2, line 13):

- a means for enabling a user to request remote access to the application server (columns 3-5, remote processing/devices for access)

- an access server, for receiving and processing a request for access to the application server from a user request enabling means, the server adapted to be located remote from the user's location (figure 4, 68 remote access server);
- an authenticator for authenticating the geographic location of the user responsive to receipt of a processed request from the access server, the authenticator including a challenge and response system for authenticating the geographic location of the user and verifying an identity of the user based on security data, wherein the verifying the identity of the user includes issuing a challenge based on the security data (Fig 13, challenge response authentication protocol) and wherein the authenticator is adapted to be connected to the access server, (figure 4, 71 location detection mechanism; please note that adapted to language fails to provide a positive recitation of the step and therefore is not granted much patentable weight in claim interpretation – consider revising to “programmed to”);
- means for interconnecting the access server and the authenticator (column 5, figure 5A-B, 528 lookup number in database; column 7, line 55-column 8, line 4).

Goertzel does not explicitly disclose a first number authentication mechanism, wherein the first number authentication mechanism provides anti-circumvention protection that determines a geographic location of an originating number to prevent the user from connecting to the access server from a geographic location other than the user location and wherein the first number authenticating system relies on user input and does not rely on GPS.

Shaffer, however, teaches a communication system and method wherein the location of a remote user is determined (columns 16-17). Furthermore, Shaffer utilizes ANI, DNIS and

geographic identifier in order to determine the identity and location of the caller (see also columns 25-29).

It would have been obvious to one of ordinary skill in the art, at the time of the invention to modify the security location discrimination system and methods disclosed by Goertzel and further utilize the location determination mechanism of Shaffer, in order to prevent unauthorized and illegal access and only service authorized locations, as per teaching of Shaffer (column 1-2).

The above cited references do not teach a card having security data for identifying the user by verifying an identity of the user and a card reader connected to the means for enabling a user to request access to the application server at the user's geographic location including time out feature. David teaches an internet payment system using a smart card to verify the identity of the user at any location once the smart card is inserted into the reader for transaction processing (see abstract, fig 10 and associated text, column 3-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize Davis' invention to provide additional security measures in transaction processing while increasing efficiency and user convenience.

Goertzel further discloses:

2. The system of claim 1, wherein the authenticator comprises an authenticating server (figure 14 and associated text).

6. The system of claim 1, wherein the interconnecting means comprise a network (figure 1 and associated text).

7,45. The system of claim 2, wherein the authenticating server includes a database of authorized locations, for enabling verification of the location of the user as an authorized user location (figure 4, database or registered numbers 74)

8. The system of claim 2, wherein the authenticating server comprises a Remote Access Dial-In User Service (RADIUS) server (figure 5B).

36. The system of claim 3, wherein the user identity determining means comprise a challenge and response system (column 16, lines 35-47; figure 13).

42. The system of claim 4, wherein the user presence insuring means comprise a card for identifying the user, and a reader for reading the user identifying card, adapted to be connected to the user access request enabling means at the user location (column 3-4).

11. The system of claim 5, wherein the user request enabling means comprise an interface station (figure 1 and associated text, API 36, monitor 47).

12. The system of claim 5, wherein the user request enabling means comprise a client (column 4, lines 5-49).

13. The system of claim 5, wherein the user request enabling means include a location identifier (column 4, lines 50-column 6, line 50).

15. The system of claim 5, wherein the user request enabling means include an identifier associated with the user's location, and the authenticator comprises means for authenticating the identifier associated with the user's location (column 4, lines 50-column 6, line 50).

16. The system of claim 5, wherein the user request enabling means include a dialer, located at the user's location, and wherein the dialer includes a number associated therewith (Figure 5B)

18. The system of claim 5, wherein the interconnecting means are further adapted to interconnect the user request enabling means (figure 1, 2 and associated text).

19. The system of claim 6, wherein the network comprises an intranet (figure 2 and associated text).

20. The system of claim 6, wherein the network comprises the Internet (figure 2 and associated text).

21. The system of claim 8, further comprising means for enabling the user to request remote access to the application server, wherein the authenticating server is further adapted to issue a security challenge to the user request enabling means (see above cited corresponding sections).

23, 31. The system of claim 16, wherein the authenticator comprises a number identifier for identifying the number associated with the dialer located at the user's location (see above cited corresponding sections).

24, 32. The system of claim 16, wherein a dialing system includes a plurality of numbers each associated with one of a plurality of dialers adapted to enable dialing therefrom and each dialer associated with a different user location, and the authenticator further comprises means for identifying the first number dialed from in the dialing system (column 1).

26. The system of claim 21, wherein the user request enabling means are adapted to issue a response to the security challenge, and the authenticating means include a database for enabling verification of the response of the user request enabling means to the security challenge (see above cited corresponding sections).

27, 33. The system of claim 23, wherein the number identifier comprises Automatic Number Identification (column 7, lines 55-59).

28, 34. The system of claim 24, wherein the first number identifying means comprises Dialed Number Identification Services (Figure 5B).

29. The system of claim 26, wherein the authenticator is further adapted to verify the response of the user request enabling means to the security challenge based on the database in the authenticator, and to authorize access to the application server (see above cited corresponding sections).

30. Goertzel discloses as detailed above, but does not explicitly disclose a first number authentication mechanism, wherein the first number authentication mechanism provides anti-circumvention protection that determines a physical location of an originating number to prevent the user from connecting to the access server from a physical location other than the user location and wherein the first number authenticating system is a non-global positioning satellite system.

Shaffer, however, teaches a communication system and method wherein the location of a remote user is determined (columns 16-17). Furthermore, Shaffer utilizes ANI, DNIS and geographic identifier in order to determine the identity and location of the caller (see also columns 25-29).

It would have been obvious to one of ordinary skill in the art, at the time of the invention to modify the security location discrimination system and methods disclosed by Goertzel and further utilize the location determination mechanism of Shaffer, in order to prevent unauthorized and illegal access and only service authorized locations, as per teaching of Shaffer (column 1-2).

The above cited references do not teach a card having security data for identifying the user by verifying an identity of the user and a card reader connected to the means for enabling a user to request access to the application server at the user's geographic location including time out

feature. David teaches an internet payment system using a smart card to verify the identity of the user at any location once the smart card is inserted into the reader for transaction processing (see abstract, fig 10 and associated text, column 3-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize Davis' invention to provide additional security measures in transaction processing while increasing efficiency and user convenience.

48. Goertzel discloses as provided above, but does not explicitly disclose a first number authentication mechanism, wherein the first number authentication mechanism provides anti-circumvention protection that determines a physical location of an originating number to prevent the user from connecting to the access server from a physical location other than the user location and wherein the first number authenticating system is a non-global positioning satellite system.

Shaffer, however, teaches a communication system and method wherein the location of a remote user is determined (columns 16-17). Furthermore, Shaffer utilizes ANI, DNIS and geographic identifier in order to determine the identity and location of the caller (see also columns 25-29).

It would have been obvious to one of ordinary skill in the art, at the time of the invention to modify the security location discrimination system and methods disclosed by Goertzel and further utilize the location determination mechanism of Shaffer, in order to prevent unauthorized and illegal access and only service authorized locations, as per teaching of Shaffer (column 1-2).

The above cited references do not teach a card having security data for identifying the user by verifying an identity of the user and a card reader connected to the means for enabling a user

to request access to the application server at the user's geographic location including time out feature. David teaches an internet payment system using a smart card to verify the identity of the user at any location once the smart card is inserted into the reader for transaction processing (see abstract, fig 10 and associated text, column 3-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize Davis' invention to provide additional security measures in transaction processing while increasing efficiency and user convenience.

Claims 22, 25 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goertzel et al. (hereinafter Goertzel), U.S. Patent 6,508,710 B1.

Goertzel discloses as detailed above but does not explicitly disclose a first number authentication mechanism, wherein the first number authentication mechanism provides anti-circumvention protection that determines a geographic location of an originating number to prevent the user from connecting to the access server from a geographic location other than the user location.

Shaffer, however, teaches a communication system and method wherein the location of a remote user is determined (columns 16-17). Furthermore, Shaffer utilizes ANI, DNIS and geographic identifier in order to determine the identity and location of the caller (see also columns 25-29).

It would have been obvious to one of ordinary skill in the art, at the time of the invention to modify the security location discrimination system and methods disclosed by Goertzel and further utilize the location determination mechanism of Shaffer, in order to prevent unauthorized and illegal access and only service authorized locations, as per teaching of Shaffer (column 1-2).

A cookie is a block of data that a server returns to a client in response to a request from the client and commonly used to identify a user and is thus old and well known in the computer

art. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement a cookie as part of the authentication process to efficiently verify the location information of a returning user for enabling access [US references 6,715,080; 6,606,708; 6,511,339 further support the examiner's contention that the use of a cookie for the above noted purpose is well-known in the art].

The above cited references do not teach a card having security data for identifying the user by verifying an identity of the user and a card reader connected to the means for enabling a user to request access to the application server at the user's geographic location including time out feature. David teaches an internet payment system using a smart card to verify the identity of the user at any location once the smart card is inserted into the reader for transaction processing (see abstract, fig 10 and associated text, column 3-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize Davis' invention to provide additional security measures in transaction processing while increasing efficiency and user convenience.

Corresponding claims 49 and 52-55, 58-60, 62-76 are directed to a method of the above claimed invention and are therefore rejected as above.

Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references

as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Response to Arguments

Applicant's arguments with respect to amended claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday-Friday 8 a.m. - 6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley B Bayat/
Primary Examiner, Art Unit 3621